



California Regional Water Quality Control Board

San Diego Region

Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb9/>
9174 Sky Park Court, Suite 100, San Diego, California 92123-4340
Phone (858) 467-2952 • FAX (858) 571-6972



Gray Davis
Governor

September 30, 2002

Item 11
Doc 9

Mr. Joe Jackson
Asst. General Manager
Fallbrook Public Utility District
990 E. Mission Rd.
P.O. Box 2290
Fallbrook, CA 92088-2290

In Reply Refer To:
01-0115.01
:vrv

Dear Mr. Jackson:

**REVIEW OF MONITORING REPORTS FOR ORDER NO. 2000-12,
NPDES PERMIT NO. CA0108031
FACILITY: FALLBROOK TREATMENT PLANT NO. 1
WDID NO. 9 000000115**

The Regional Board has completed review of the February, March, April, May and June 2002 monthly monitoring reports; the January-March and April-June 2002 quarterly monitoring reports; and the January-June 2002 semiannual monitoring report. Violations noted and comments concerning the reports are as follows:

February, March, April, May and June 2002 monthly monitoring reports:

• **Effluent Violations**

1. The "maximum at any time" concentration limit for carbonaceous biochemical oxygen demand (CBOD, 45 mg/L) was exceeded once based on the sample value of 51.7 mg/L on June 4, 2002.
2. The "maximum at any time" concentration limit for total suspended solids (TSS, 50 mg/L) was exceeded twice based on the sample values of 60.4 mg/L and 79.0 mg/L on June 3 and 4, 2002, respectively.
3. The Porter-Cologne Water Quality Control Act (California Water Code [CWC]) was amended on January 1, 2000 to include provisions for mandatory minimum penalties for serious and chronic violations of waste discharge requirements applying to surface water discharges. The pertinent revisions can be found in CWC Section 13385(h) and (i).

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

Recycled Paper



Each serious violation, defined as an exceedance of an effluent limitation for a Group I pollutant by 40 percent or more, or for a Group II pollutant by 20 percent or more, is subject to a \$3,000 mandatory minimum penalty (MMP). Furthermore, the occurrence of four or more chronic violations, defined as any effluent violation, in any six-month period triggers the assessment of a \$3,000 MMP for the fourth violation and each subsequent violation during the six-month period. The exceedance of the CBOD "maximum at any time" concentration limit on June 4, 2002 and the exceedance of the TSS "maximum at any time" concentration limit on June 3, 2002, constitute chronic violations for a Group I pollutant. The exceedance of the TSS "maximum at any time" concentration limit on June 4, 2002, constitutes a serious violation for a Group I pollutant. A complaint for the assessment of the civil liability for these violations will be sent under separate cover.

4. Based on information submitted to date, the Regional Board does not concur with the District's assertion that the violations above are one violation resulting from a single operational upset (SOU). The District should provide technical and other relevant information to the Regional Board, as soon as possible, which supports the District's assertion that the violations of effluent limitations on June 3 and 4, 2002, are the result of an SOU in accordance with the definition of and guidelines for determining SOUs contained in "Issuance of Guidance Interpreting Single Operational Upset" (Memorandum from the Associate Enforcement Counsel, Water Division, US EPA, September 27, 1989). Until such supporting information and documentation are received, the Regional Board considers the violations above as separate violations. The information submitted must be signed in accordance with Provision G.3 of Order No. 2000-12.

Regional Board staff concerns regarding the District's SOU assertion include the following:

1) According to US EPA guidance, SOUs that last for two days result in two separate violations (i.e., multiple violations on one day merge to one violation for each day only of the SOU) and 2) the District's recurring treatment plant upsets that have resulted in TSS and CBOD violations over the past few years do not meet the "unusual or exceptional event" criteria for SOUs. Please submit information, if any, regarding previous treatment plant upsets that distinguish each upset from the upset that occurred on June 3 and 4, 2002.

- **Comments**

5. Receiving water surf zone monitoring station S-1 exceeded the enterococcus 6-month geometric mean limitation (12 per 100 mL) on February 11 (12.3 per 100 mL), February 25 (12.3 per 100 mL), March 11 (12.7 per 100 mL), March 25 (13.1 per 100 mL), April 1 (13.6 per 100 mL), April 9 (13.6 per 100 mL) and April 17 (13.0 per 100 mL). At the present time, however, the Regional Board has no information demonstrating that the discharger's effluent is causing these exceedances.
6. Receiving water surf zone monitoring station S-2 exceeded the enterococcus 30-day geometric mean limitation (24 per 100 mL) on February 11 (26.8 per 100 mL), February 25

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

Recycled Paper



(26.8 per 100 mL). At the present time, however, the Regional Board has no information demonstrating that the discharger's effluent is causing these exceedances.

7. Receiving water surf zone monitoring station S-2 exceeded the enterococcus 6-month geometric mean limitation (12 per 100 mL) on February 11 (12.9 per 100 mL), February 25 (12.9 per 100 mL), March 11 (13.6 per 100 mL), March 25 (14.4 per 100 mL), April 1 (14.4 per 100 mL), April 9 (14.4 per 100 mL) and April 17 (13.3 per 100 mL). At the present time, however, the Regional Board has no information demonstrating that the discharger's effluent is causing these exceedances.
8. Receiving water surf zone monitoring station S-3 exceeded the fecal coliform 60-day limitation (not greater than 10% of samples greater than 400 per 100 mL) on February 11 (20%), February 25 (20%), March 11 (20%) and March 25 (20%). At the present time, however, the Regional Board has no information demonstrating that the discharger's effluent is causing these exceedances.
9. Receiving water surf zone monitoring station S-5 exceeded the enterococcus 6-month geometric mean limitation (12 per 100 mL) on March 25 (12.5 per 100 mL) and April 1 (12.5 per 100 mL). At the present time, however, the Regional Board has no information demonstrating that the discharger's effluent is causing these exceedances.

January-March and April-June quarterly monitoring reports:

No comments at this time.

January-June 2002 semiannual monitoring report:

• **Comments**

10. Analytical results for constituents listed under Table B of the 1997 California Ocean Plan were reported with PQLs (Practical Quantitation Level). PQLs reported by the District for certain constituents (e.g., endrin, hexachlorohexane and endosulfan) appear to be high compared to current minimum quantitation levels that should be achieved by certified laboratories according to guidance documents available to Regional Board staff.

We recommend that the District evaluate the effectiveness of these current PQLs for compliance determination by comparing them to the Minimum Levels (ML) contained in the 2001 California Ocean Plan. The PQL and ML are analogous concepts used in compliance determination. We acknowledge that the Minimum Levels contained in the 2001 California Ocean Plan currently do not apply to the District; however, we anticipate that the District will be subject to that Plan when Order No. 2000-12 is either amended or renewed.

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

Recycled Paper

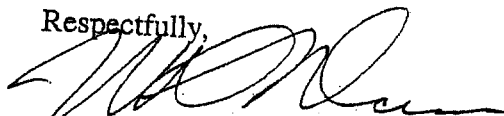


September 30, 2002

Please take steps to correct the above noted violations of Order No. 2000-12. Pursuant to the California Water Code (CWC), the violations noted above are subject to additional enforcement action(s) by the Regional Board including time schedule orders, cease and desist orders, cleanup and abatement orders, administrative civil liability, referral to the district attorney or referral to the attorney general. Administrative civil liability amounts imposed by the Regional Board under CWC Section 13350 could be from \$100 to \$5,000 per day per violation, or up to \$10 per gallon for each gallon of waste discharged.

Thank you for your monitoring reports submission. If you have any questions, please contact Mr. Victor Vasquez at (858) 636-3155 (email: vasqv@rb9.swrcb.ca.gov).

Respectfully,



MICHAEL P. McCANN

Supervising Water Resource Control Engineer

MPM:bdk:vrw

V: (1) 118669, (2) 118667, (2) 118668

E: (SEL) 57848

File: 01-0115.01

resDMR 01-0115 09-02

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

Recycled Paper

